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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,249	04/22/2004	Kobayashi Shozo	1594.1358	8198
21171	7590	09/08/2004	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			FUQUA, SHAWNTINA T	
			ART UNIT	PAPER NUMBER
			3742	

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/829,249	SHOZO, KOBAYASHI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Shawntina T. Fuqua	3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 April 2004.  
2a) This action is **FINAL**.                    2b) This action is non-final.  
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) Claim(s) \_\_\_\_\_ is/are allowed.  
6) Claim(s) 1-3,11-13,15-17 and 19-21 is/are rejected.  
7) Claim(s) 4-10,14 and 18 is/are objected to.  
8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
10) The drawing(s) filed on 22 April 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/22/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 1 is objected to because of the following informalities: “front” in line 5 should be changed to “first”. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by Willis et al (US5158064).

Willis et al discloses an overheated steam oven including a cabinet (10) to define a cooking chamber (42), an overheated steam generator (14) comprising a first heater (38), a second heater (54), and a vessel to guide the steam towards the second heater (Figure 3).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1-3, 11-12, 16-17, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montagnino et al (US5649476) in view of Ueda et al (US6040564) and Willis et al.

Montagnino et al discloses a steam generator comprising a first vessel (30) containing water, a second vessel (50) in the first vessel (Figure 2), an inlet (40, 62, 65), an outlet (59, 71, 56), a heater (24), and the diameter of the upper portion of the second vessel is smaller than the first vessel. Montagnino et al does not disclose a heater with a spiral shape, a second heater, a feed pipe, multilayered cooking cavity walls wherein the walls are spaced apart, a drain pipe and insulation for the first and second vessel. Ueda et al discloses a spiral shaped heater (18) and Willis et al discloses a second heater (54) and a feed pipe (30), and multilayered cooking cavity walls which are spaced apart (Figures 1-2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the spiral heater of Ueda et al, the second heater and feed pipe of Willis et al in the steam generator of Montagnino et al because a spiral heater allows for a more uniform heating and a second heater allows the steam to be superheated and the feed pipe allows water to be added more efficiently.

While neither Montagnino et al in view of Ueda et al and Willis et al disclose a drain pipe or insulation, drain pipes and insulation are conventional and well known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a drain pipe as a more efficient means to remove water and to have included insulation as a means to keep the heat inside and to prevent the walls from becoming hot.

6. Claims 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montagnino et al in view of Ueda et al and Willis et al as applied to claim 1 above, and further in view of Bullard (US5515773).

Montagnino et al in view of Ueda et al and Willis et al discloses all of the recited subject matter except a water level sensor. Bullard discloses a water level sensor (column 4, line 57-column 5, line 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the water level sensor of Bullard in the steam generator of Montagnino et al along with the spiral heater of Ueda et al and the second heater of Willis et al because, a water level sensor prevents overheating.

While neither Montagnino et al in view of Ueda et al, Willis et al, and Bullard do not disclose an exhaust in the cooking cavity, an exhaust is conventional and well known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included an exhaust in the cooking cavity as a means to prevent a pressure build up in the cavity.

*Allowable Subject Matter*

7. Claims 4-10, 14, 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record neither discloses nor suggests wherein each of the first and second vessels comprise an inner vessel and an outer vessel part which surrounds and is separated from an outer surface of the inner vessel with a space between the inner vessel part and the outer vessel part

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being a vacuum, the second vessel part comprises a bent part which is formed by bending a lower end of the second vessel toward a rear wall of the cooking cavity wherein the bent part being connected at a front end thereof to a steam inlet port provided on the rear wall of the cooking cavity, the first heater is installed in the first vessel to be immersed in water and the second heater is installed in the second vessel.

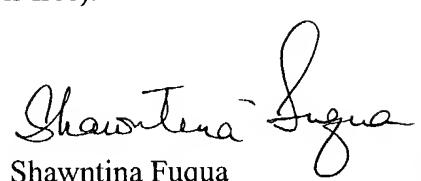
***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawntina T. Fuqua whose telephone number is (703) 305-2581. The examiner can normally be reached on Monday-Friday 8-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on (703) 305-5766. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

stf  
September 6, 2004

  
Shawntina Fuqua  
Patent Examiner  
Art Unit 3742